



STATE OF MARYLAND

DHMH

## Maryland Department of Health and Mental Hygiene

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### Infectious Disease and Environmental Health Administration

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February 15, 2012

Dear Maryland Public Pool/Spa Owner:

Maryland pools and spas regulated by the Department of Health and Mental Hygiene (DHMH) are required to comply with disability access laws (COMAR 10.17.01.37). It is the pool or spa owner's responsibility to ensure compliance with disability access laws.

Based on public feedback and discussions with the Maryland Office of the Attorney General, the DHMH has simplified the process for owners of public pools and/or spas to document compliance with the 2010 ADA Standards for Accessible Design. The new process simply requires the owner of the pools and/or spas to complete the enclosed affidavit and submit it to the local health department. All owners must submit the ADA affidavit by March 15, 2012, including those owners who previously submitted the ADA questionnaire.

Anyone needing to delay their submission of construction plans still has until September 15, 2012 to submit their plans for compliance and still needs to complete the compliance schedule for more time, available at: <http://ideha.dhmh.maryland.gov/OEHFP/CHS/SitePages/consumer-product-safety.aspx> and submit it to the local health department by March 15, 2012. Any compliance schedule previously submitted to the Division of Community Services will be forwarded to the appropriate local health department for processing.

Federal ADA compliance requirements are separate from, and do not change, any of DHMH's requirements or procedures related to construction permit applications. If a pool or spa requires alterations to come into compliance that would otherwise require a construction permit, the process for submission, review, and approval of that permit application remains the same, regardless of the owner's purpose in commencing construction. DHMH's construction permit review is to ensure that the proposed alterations meet State requirements for pool construction.

The Division of Community Services (DCS) has developed the enclosed guidance document which explains, in detail, how Maryland will handle documentation of ADA compliance. The DCS has also compiled a list of frequently asked questions available at: <http://ideha.dhmh.maryland.gov/OEHFP/CHS/SitePages/consumer-product-safety.aspx>.

Sincerely,

Clifford S. Mitchell, MS, MD, MPH, Assistant Director  
Office of Environmental Health and Food Protection

Enclosures

cc: Local Health Department

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